

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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RICARDO VELASQUEZ,

Plaintiff,

-against

ORDER

18-CV-10969 (CM) (JW)

KINER'S CORNER LLC., a New York limited liability company, d/b/a TWO BOOTS HELL'S KITCHEN, and
GEORGE PAPADOPOULOS, an individual,

Defendants.

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JENNIFER E. WILLIS, United States Magistrate Judge:

On May 25, 2023, this Court issued an order for a joint status update on the deposition of Ms. Fotini Theoharidou and responses to relevant interrogatories. Dkt. No. 135. On May 31, 2023, parties wrote separately to inform the Court that the deposition of Ms. Fotini Theoharidou has not yet occurred, and Ms. Theoharidou responded minimally to requested interrogatories. Dkt. Nos. 136-137. Ms. Fotini Theoharidou, together with Defendants' counsel John DeMaio, are hereby ordered to (i) provide full and complete answers to the written interrogatories request and (ii) appear and sit for a deposition of 7-hours pursuant to Federal Rule of Civil Procedure 30 on **July 10, 2023, at 10:30am** via Zoom. Plaintiff is directed to file the Zoom information on the docket, serve Ms. Theoharidou with the notice of deposition, and obtain proof of such service by **July 6, 2023**. Parties are directed to file a joint status update by **July 20, 2023**, advising the Court of the status of the deposition and

interrogatories. The Court will **not** permit the deposition to be rescheduled unless both parties write jointly with a mutually agreeable date by June 15, 2023.

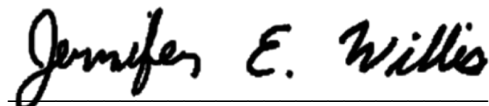
If Ms. Theoharidou fails to respond or appear for the scheduled deposition, **this Court may issue an order directing the United States Marshal to bring her before the Court and hold her in prison until such time as she purges her civil contempt by complying with the subpoena.** Any potential contempt can be avoided by complying with the Court's order and sitting for the scheduled deposition. The Court may order that Ms. Theoharidou compensate Plaintiff for any damages resulting from noncompliance.

If Defendants' counsel John DeMaio fails to appear, **this Court may issue sanctions.** Additionally, the Court previously held its decision on Defendants' motion to quash the subpoena of Mr. Papadopoulos at Dkt. 123 in abeyance pending the deposition of Ms. Theoharidou. Dkt. No. 131. If the deposition does not occur on **July 10, 2023, at 10:30am** as ordered, the Court may deny Defendants' motion to quash.

Plaintiff is instructed to serve this Order upon Ms. Theoharidou and file proof of service on the docket.

SO ORDERED.

DATED: New York, New York
June 1, 2023


JENNIFER E. WILLIS
United States Magistrate Judge